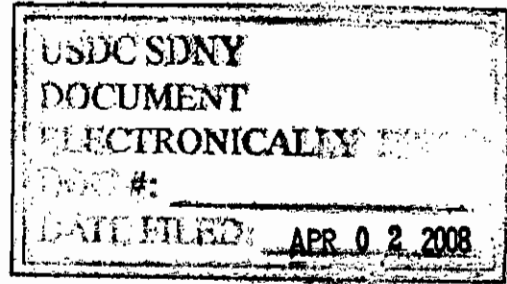


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
ASHOK KUMAR,

Plaintiff,

-v-

No. 07 Civ. 8826 (LTS)(FM)

JOSE SILVERIO, et al.,

Defendants.

ORDER

-----X
This matter having been commenced by the filing of a complaint on October 12, 2007, and Defendant Jose Silverio having failed to interpose a timely answer to the complaint or otherwise move in this proceeding, and the plaintiff having sought permission to move for a default judgment, and the Court having determined that an investigation of the factual basis of the allegations of the complaint herein pursuant to Fed. R. Civ. P. 55(b)(2) is appropriate, it is hereby

ORDERED, that the plaintiff may make a motion for a default judgment as against **Defendant Jose Silverio** only; and it is further

ORDERED, that the plaintiff's motion shall be accompanied by evidence, in admissible form, of such facts as it would have proffered to meet its burden of proof on its direct case had a trial been held in this action, as well as a memorandum of law demonstrating his legal entitlement to judgment on Defendant Jose Silverio's liability, and it is further

ORDERED, that such motion for default judgment shall be served on Defendants and shall be accompanied by copies of the Clerk's Certificate and of proof of service of the summons and complaint and the motion for default judgment as provided by the undersigned's Individual Practices Rules; and it is further

ORDERED, that said motion shall be briefed in accordance with the schedule set forth in Local Civil Rule 6.1 and will be taken on submission unless otherwise directed by the Court; and it is further

ORDERED, that plaintiff shall serve a copy of this Order on defendants and file proof of such service within ten (10) days from the date hereof.

Dated: New York, New York
April 2, 2008



LAURA TAYLOR SWAIN
United States District Judge